

1 THE HON. RICARDO S. MARTINEZ
2 Trial Date: 12/06/2021
3
4
5
6
7

8 UNITED STATES DISTRICT COURT
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEPHANIE J. THOMAS,

Plaintiff,

vs.

FIRST NATIONAL INSURANCE
COMPANY OF AMERICA,

No. 2:20-cv-1670 RSM

STIPULATION AND ORDER AMENDING
DISCLOSURE DEADLINE FOR MEDICAL
EXAMINATION REPORT

NOTED FOR: 4/21/2021

Defendant.

I. RELIEF REQUESTED

The parties by and through their attorneys of record, stipulate to and request an order to allow Defendant to disclose any expert reports arising out of the medical examination of Plaintiff by July 9, 2021.

II. GROUNDS FOR MOTION

This case involves a claim by Plaintiff Stephanie Thomas for payment of underinsured motorist ("UIM") benefits, and related extra-contractual claims raised by her related to that coverage. Ms. Thomas was involved in a motor vehicle accident in January 2015, and seeks payment under the UIM provisions of her insurance policy with Defendant First National

STIPULATION AND ORDER AMENDING
DISCLOSURE DEADLINE FOR MEDICAL
EXAMINATION REPORT (Cause No. 2:20-cv-
1670 RSM) – 1
cpw/CPW1379.829/3863015X



901 FIFTH AVENUE, SUITE 1700
SEATTLE, WASHINGTON 98164
TELEPHONE: (206) 623-4100
FAX: (206) 623-9273

1 Insurance Company of America (“FNIC”). Ms. Thomas seeks damages associated with injuries
2 she relates to the accident.

3 The parties have cooperated in coordinating agreed terms for a medical examination of
4 Ms. Thomas, to take place in a mutually agreeable time and location. Specifically, Ms. Thomas
5 is willing to attend an exam occurring on Whatcom or Skagit Counties. Defendant’s chosen
6 examiner, Dr. James Harris, is able to travel to a convenient location for Ms. Thomas, but not
7 until shortly following the current Fed. R. Civ. P. 26(a)(2) expert disclosure deadline in this
8 matter, set for June 9, 2021.

9 To facilitate a medical examination in this matter, the parties agree for the exam to occur
10 on June 14, 2021. The parties further stipulate to this motion, asking the Court to allow
11 Defendant to disclose any expert opinion arising out of the June 14, 2021 exam no later than
12 July 9, 2021. This proposed limited modification of the case schedule will permit the parties
13 to complete anticipated discovery in reasonably expedient manner agreeable to both parties.
14 The parties do not foresee at this time that this limited modification will impact any other case
15 schedule deadlines.

16 SO STIPULATED this 21st day of April, 2021.

17
18 *s/ Christopher Pierce-Wright*

19 John M. Silk, WWSA No. 15035
20 Christopher Pierce-Wright, WWSA No. 52815
21 WILSON SMITH COCHRAN DICKERSON
22 901 Fifth Avenue, Suite 1700
23 Seattle, WA 98164-2050
T: (206) 623-4100 / F: (206) 623-9273
silk@wscd.com; pierce-wright@wscd.com
Of Attorneys for Defendant

s/ Tom Lester

Tom Lester, WWSA No. 15814
LESTER & ASSOCIATES, P.S., INC.
119 N. Commercial St., Ste 175
Bellingham, Washington 98225
T: (360) 733-5774 / F: (360) 733-5785
tom@lesterandassociates.com
Of Attorneys for Plaintiff

ORDER

This matter having come before the Court on the parties' stipulated motion to amend the disclosure deadline for Defendant's expert medical report; the Court having considered that the parties have jointly agreed and stipulated to a continuance of the expert disclosure deadline related to Plaintiff's medical exam on a showing of agreed good cause; the Court having reviewed the motion, and the records and files herein; the Court is fully advised and finds that the motion should be granted as there are extraordinary circumstances, set forth above, such that there is adequate basis for the requested relief.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The stipulated motion is GRANTED. It is further ORDERED that:
2. Defendant's disclosure of expert testimony under FRCP 26(a)(2) associated with the June 14, 2021 medical exam shall be due no later than July 9, 2021.

It is so ordered this 21st day of April, 2021.

Ricardo S. Martinez
RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

JOINTLY PRESENTED BY:

s/ Christopher Pierce-Wright
John M. Silk, WSBA No. 15035
Christopher Pierce-Wright, WSBA No. 52815
WILSON SMITH COCHRAN DICKERSON
901 Fifth Avenue, Suite 1700
Seattle, WA 98164-2050
T: (206) 623-4100 / F: (206) 623-9273

s/ Tom Lester
Tom Lester, WSBA No.15814
LESTER & ASSOCIATES, P.S., INC.
119 N. Commercial St., Ste 175
Bellingham, Washington 98225
T: (360) 733-5774 / F: (360) 733-5785
tom@lesterandassociates.com

STIPULATION AND ORDER AMENDING
DISCLOSURE DEADLINE FOR MEDICAL
EXAMINATION REPORT (Cause No. 2:20-cv-
1670 RSM) – 3
cpw/CPW1379.829/3863015X



901 FIFTH AVENUE, SUITE 1700
SEATTLE, WASHINGTON 98164
TELEPHONE: (206) 623-4100
FAX: (206) 623-9273

1 silk@wscd.com; pierce-wright@wscd.com
2 *Of Attorneys for Plaintiff*
Of Attorneys for Defendant

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

STIPULATION AND ORDER AMENDING
DISCLOSURE DEADLINE FOR MEDICAL
EXAMINATION REPORT (Cause No. 2:20-cv-
1670 RSM) – 4
cpw/CPW1379.829/3863015X



WILSON
SMITH
COCHRAN
DICKERSON

901 FIFTH AVENUE, SUITE 1700
SEATTLE, WASHINGTON 98164
TELEPHONE: (206) 623-4100
FAX: (206) 623-9273

CERTIFICATE OF SERVICE

The undersigned certifies that under penalty of perjury under the laws of the State of Washington that on the below date I caused to be served the foregoing document on:

Attorney for Insured

Tom Lester
Lester & Associates, P.S., Inc.
119 N. Commercial St., Suite 175
Bellingham, WA 98225
() Via U.S. Mail
() Via Facsimile: 360-733-5785
() Via Hand Delivery
(X) Via Email/CM/ECF: tom@lesterandassociates.com; sherri@lesterandassociates.com

SIGNED this 21st day of April, 2021, at Seattle, Washington.

s/ Traci Jay
Traci Jay

STIPULATION AND ORDER AMENDING
DISCLOSURE DEADLINE FOR MEDICAL
EXAMINATION REPORT (Cause No. 2:20-cv-
1670 RSM) – 5
cpw/CPW1379.829/3863015X



901 FIFTH AVENUE, SUITE 1700
SEATTLE, WASHINGTON 98164
TELEPHONE: (206) 623-4100
FAX: (206) 623-9273